

## REMARKS

The Office Action mailed June 13, 2006 considered claims 1-42. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being obvious over Goode (US 6,718,552) in view of Herz (US 5,758,257) and Knee et al. (US 2002/0095676).<sup>1</sup>

Claims 1-21, 23-32, 34, and 37-42 are pending, of which claims 1, 18, 24, and 31 are independent method claims and claim 27 is a computer program product claim corresponding to claim 18. As indicated above, claims 1, 18, 24, 27, and 31 have been amended by this paper. Claims 22, 33, 35, and 36 have been cancelled.<sup>2</sup>

As defined in independent claim 1, applicants' inventive method is directed to restructuring a broadcast and comprises generating viewing behavior information at a first home entertainment system. Claim 1 defines, upon the occurrence of an event at a first home entertainment system, initiating usage tracking for a selected type of viewable moving image data usage for viewable moving image data of a selected channel, the selected type of viewable moving image data usage being selected from among a plurality of different types of viewable moving image data usage that can be tracked each time one of the plurality of different types of viewable moving image data usage are utilized at the first home entertainment system. Next claim 1 defines, in response to the event, tracking a utilization of the selected type of viewable moving image data usage, from among the plurality of different types of viewable moving image data usage, for the moving image data at the first home entertainment system by generating user behavior information to indicate that the selected type of viewable moving image data usage is utilized. Next claim 1 defines, coupling the event with the generated user behavior information for the first home entertainment system. Next claims 1, defines combining the event and the generated user behavior information from the first home entertainment system with events and corresponding generated user behavior information from other home entertainment systems, the other home entertainment systems also utilizing a type of viewable moving image data usage selected from among the plurality of different types of viewable moving image data usage for the

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup>Support for the amendments can be found throughout the Specification and cancelled claims, and particularly at page 15, line 22 – page 16, line 3, page 17, lines 16-21, and page 20, lines 7-20 and cancelled original claims 22, 33, and 35.

selected channel, wherein the other home entertainment centers also track each time one of the plurality of different types of viewable moving image data usage is utilized in response to a corresponding event. Lastly claim 1 defines, dynamically restructuring the broadcast of at least the selected channel, by at least restructuring the viewable moving image data of the selected channel, and without having to change allocated bandwidth to said selected channel, based on the different types of viewable moving image data usage indicated in the combined events and generated user behavior information so as to optimize the use of the fixed bandwidth. The restructuring being selected as one of: changing modulation of the broadcast, changing an encoding scheme of the broadcast, varying parameters of the encoding scheme of the broadcast, redistributing the channel from a first transponder of a satellite television system to a second transponder of the satellite television system.

As indicated in the office action, the cited art is silent on redistributing the channel from a first transponder of a satellite television system to a second transponder of the satellite television system, changing modulation of the broadcast, changing an encoding scheme of the broadcast, and varying parameters of the encoding scheme of the broadcast.

Accordingly, none of the cited references or other prior art of record, either singly or in combination, anticipate or make obvious, Applicant's inventive method for restructuring a broadcast. In particular, none of the references of record anticipate or make obvious restructuring the broadcast of at least the selected channel, by at least restructuring the viewable moving image data of the selected channel, and without having to change allocated bandwidth to said selected channel, based on the different types of viewable moving image data usage indicated in the combined events and generated user behavior information so as to optimize the use of the fixed bandwidth, the restructuring being selected as one of: changing modulation of the broadcast, changing an encoding scheme of the broadcast, varying parameters of the encoding scheme of the broadcast, redistributing the channel from a first transponder of a satellite television system to a second transponder of the satellite television system, as recited in the independent claims.

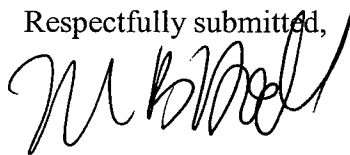
In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending

application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 14<sup>th</sup> day of August, 2006.

Respectfully submitted,



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